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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANA HERNANDEZ, individually and on
behalf of all other similarly situated,

Plaintiff,

vs.

LEAD YOU LLC, a Nevada Limited
Liability Company and JOSE ANGEL
ORTIZ URENO, as an individual,

Defendants.

Case Number: 2:25-cv-00412-JCM-DJA

**STIPULATION AND [PROPOSED]
ORDER TO STAY DISCOVERY AND
COMPLIANCE WITH FRCP 26(F)
PENDING DISPOSITION OF
DEFENDANTS' MOTION TO DISMISS
WITH SUMMARY JUDGMENT
TREATMENT**

COME NOW, all parties by and through their counsel of record, and hereby stipulate and agree that discovery and the parties' obligations to comply with the requirements of FRCP 26(f), including, but not limited to, the obligation to conduct a discovery planning conference and file a proposed discovery plan and scheduling order, shall be stayed until the Court decides Defendants', Lead You LLC and Jose Angel Ortiz Ureno ("Defendants"), Motion to Dismiss Plaintiff's Complaint, with Summary Judgment Treatment. This Stipulation is submitted and based upon the following:

1. Courts have broad discretionary power to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988).

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1 2. “[T]he power to stay proceedings is incidental to the power inherent in every
2 court to control the disposition of the causes on its docket with the economy of time and
3 effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 255
4 (1936).

5 3. This power has been codified in Rule 26(c) of the Federal Rules of Civil
6 Procedure, pursuant to which “a court has discretion to stay discovery for good cause
7 shown.” *Spencer Trask Software & Info. Servs., LLC v. RPost Int’l Ltd.*, 206 F.R.D. 367,
8 368 (S.D.N.Y. 2002); *AMC Fabrication, Inc. v. KRD Trucking W., Inc.*, 2012 WL 4846152,
9 at *2 (D. Nev. Oct. 10, 2012) (granting stay of discovery pending disposition of motion to
10 dismiss for lack of personal jurisdiction); *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601
11 (D. Nev. 2011) (granting stay of discovery pending disposition of Motion to Dismiss for
12 failure to state a claim); *Babin-De-Jesus v. Am. Express Co.*, 2016 WL 3563082, at *2 (D.
13 Nev. June 28, 2016) (same).

14 4. Whether to grant a stay is within the discretion of the court, particularly
15 where, as here, a stay would promote judicial economy and efficiency. *See e.g. Crawford-El*
16 *v. Britton*, 523 U.S. 574, 598 (1998); *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)
17 (district courts possess “inherent power to control the disposition of the causes on its docket
18 in a manner which will promote economy of time and effort for itself, for counsel, and for
19 litigants”); *Munoz-Santana v. U.S. I.N.S.*, 742 F.2d 561, 562 (9th Cir. 1984).

20 5. When deciding whether to grant a stay of discovery, a court is guided by the
21 objectives of FRCP 1 that ensures a “just, speedy, and inexpensive determination of every
22 action.” *Little*, 863 F.2d 681, 685 (9th Cir. 1988); *Kor Media Group, LLC v. Green*, 2013
23 WL 5938679 at *1 (D. Nev. Oct. 29, 2013).

24 6. Courts evaluating the propriety of a stay have cautioned against the use of
25 resources that may be rendered unnecessary, noting the simple, but accurate principle:
26 “Discovery is expensive.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev.
27 2011).

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- 1 7. Plaintiff filed her Complaint on March 6, 2025. ECF No. 1.
- 2 8. Defendants were served with the Complaint on March 8, 2025.
- 3 9. On April 8, 2025, Defendants filed its Motion to Dismiss Plaintiff's
- 4 Complaint with summary judgment treatment requested. ECF No. 5.
- 5 10. On April 21, 2025, Plaintiff requested a four-week extension to file an
- 6 opposition to Defendant's Motion to Dismiss due to Plaintiff's lead counsels current trial
- 7 obligations in order to sufficiently investigate the motion to dismiss and provide a
- 8 meaningful response. ECF No. 7.
- 9 11. Defendants granted such a request, which was memorialized in Plaintiff's
- 10 Unopposed Motion for Extension of Time to File Opposition to Defendants' Motion to
- 11 Dismiss. *Id.*
- 12 12. The deadline for Plaintiff to oppose Defendants' Motion to Dismiss is May
- 13 20, 2025. *Id.*
- 14 13. Defendants intend to file a Reply to its Motion to Dismiss on May 27, 2025.
- 15 14. Defendants' pending Motion to Dismiss, ECF No. 5, if granted, would be
- 16 dispositive of the entire case.
- 17 15. The Parties agree that the pending Motion to Dismiss, ECF No. 5, can be
- 18 decided without additional discovery, unless the court orders otherwise.
- 19 16. The Parties agree that vacating discovery deadlines and staying discovery is
- 20 appropriate until the resolution of the pending Motion to Dismiss, ECF No. 5.
- 21 17. It is agreed that a stay of discovery deadlines will save the parties and the
- 22 Court significant resources and time.
- 23 18. This stay is not brought in bad faith or for the purposes of delay.

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1 19. In the event that the Motion to Dismiss, ECF No. 5, is denied, the Parties
 2 further stipulate that the Fed. R. Civ. Pro. 26(f) conference will be held no later than 15 days
 3 after the Court enters its order and that a discovery plan will be submitted to the Court no
 4 later than 30 days after the Court enters its order.

5 Dated this 24th day of April 2025.

6 MARQUIS AURBACH

7
 8 /s/ Jordan W. Montet

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 11 Las Vegas, Nevada 89145
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Dated this 24th day of April 2025.

CONSUMER JUSTICE LAW FIRM

13 /s/ Michael Yancey, III

14 Michael Yancey, III
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 2300 W. Sahara Ave., Suite 500
 Las Vegas, Nevada 89102
 Attorney(s) for Plaintiff Ana Hernandez

15 **ORDER**

16 IT IS SO ORDERED.

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 18 

19 UNITED STATES MAGISTRATE JUDGE

20 Dated: 4/25/2025

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